IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7916 OF 2005

State of Maharashtra .. Applicant

Versus

Anant Balkrishna Desai & Anr. .. Respondents

Mr.R.Y.Mirza, A.P.P. for applicant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 11th September 2006.

P.C.

. Heard Mr.Mirza, A.P.P. for State.

2. With the assistance of Mr.Mirza I have perused the application and the order of the learned Additional Sessions Judge, Khed dated

25th August 2005 in Criminal Misc.Application No.88 of 2005.

3. Upon perusal of the application and the order it is apparent that accused No.1 husband has been arrested in the crime. Application was made by the in-laws of the deceased who are aged 69 and 54 respectively at the relevant time. Their application for anticipatory bail has been granted by the learned Additional Sessions Judge principally on the ground that the materials produced demonstrate that the in-laws were residing separately whereas, the accused No.1 and the deceased being husband and wife had settled down at Nigadi. They used to occasionally visit Mandangad.

4. In such circumstances, anticipatory bail was granted in C.R. 31 of 2005 which was registered with Mandangad police station for offences punishable under section 498-A read with

34 I.P.C. In such circumstances, I do not see any reason as to why the relief could not have been granted in favour of the respondents. Learned Judge's prima facie conclusion is born out from the materials on record. Further, respondent Nos. 2 and 3 being ready and willing to cooperate with the investigation and make themselves available for trial, their application was rightly granted.

5. However, there is some substance in the grievance on Mr.Mirza that the application could not have been granted without imposing any condition that the order passed therein would enure to the benefit of respondents till charge sheet is filed. As is well settled, the order granting anticipatory bail would not operate indefinitely in favour of accused. Normally it should operate till the charge sheet is filed.

6. Mr.Mirza states that the charge sheet is

filed on 15th April 2006.

7. In such circumstances, normally respondents ought to have been given notice before the modification as above. However, interest of justice would be sub-served if three weeks time is granted to respondents to apply for regular bail in the above C.R. Till such time that is for a period of three weeks from the date of communication of this order, the order of the trial court to continue. All contentions of both sides are expressly kept open.

8. Mr.Mirza, states that the I.O. would communicate this order to respondents. Application disposed of.

(S.C.Dharmadhikari, J)